IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Dr.Rajan Dagla Vs. State of Rajasthan & Anr.

S.B.CIVIL WRIT PETITION NO.1836/2007

DATE OF ORDER :: May 03, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.R.S.Choudhary, for the petitioner.
Mr.Tarun Joshi, for the respondents.

BY THE COURT:

Heard learned counsel for the parties.

A reply to the writ petition has been filed by respondent No.1 stating therein that admittedly the petitioner did not possess the requisite qualification before the cutoff date fixed by the Rajasthan Public Service Commission (for short the Commission' hereinafter) and, therefore, was not eligible for the post of Assistant Professor (General Surgery).

In State of Rajasthan & Anr. vs. Kulwant Kaur, (2006) 9

SCC 564, the Hon'ble Supreme Court held that the eligibility has to be adjudged on the last date of submission of the application or if no cutoff date is provided, the last date for filing of an application shall be considered as such on.

In Ashok Kumar Sonkar vs. Union of India & Ors., JT 2007 (6) Sc 127, the Hon'ble Supreme Court held that in absence of cut-off date in the advertisement or in rules, the last date for filing of an application shall be considered as such and since appellant therein did not hold the requisite qualification as on the date of filing of application, he was not eligible for appointment.

In the instant case, even up to the date of finalling the select list, admittedly, the petitioner did not possess the eligibility qualification.

Learned counsel for the respondent RPSC submits that the interviews were held and the result for the post of Assistant Professor (General Surgery) has already been declared and, therefore, nothing survives in the instant writ petition.

In view of the fact that the petitioner did not possess the requisite qualification even up to the date of finalling the select list, the petitioner did not possess the eligibility qualification and

more so the result of the interviews has already been declared, in my view, nothing survives in the instant writ petition and the same is, therefore, dismissed. There shall be no order as costs.

[H.R.PANWAR],J.

m.asif/-